



February 26, 1999

HOUSE BILL No. 1337

DIGEST OF HB 1337 (Updated February 25, 1999 10:35 am - DI 69)

Citations Affected: IC 31-9; IC 31-14; IC 31-16.

Synopsis: Child support proceedings. Allows a court to order a person who is under a duty to pay child support to pay restitution to the person entitled to receive the child support if the person who is ordered to pay support fails to appear at a child support hearing and the other person has a loss of earnings for attending the hearing. Provides an exception if the person who is ordered to pay child support did not receive proper notice of the hearing. Provides that the restitution order is a judgment lien that may be enforced in the same manner as a judgment lien in a civil proceeding. Applies in paternity and dissolution of marriage cases.

Effective: July 1, 1999.

Porter

January 12, 1999, read first time and referred to Committee on Judiciary.
February 25, 1999, amended, reported — Do Pass.

HB 1337—LS 7577/DI 98+



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February 26, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1337

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-9-2-85 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 85. (a) "Obligee", for
3 purposes of **IC 31-14-12.5**, IC 31-16-16, and **IC 31-16-22**, means a
4 person who is entitled to receive a payment under a support order.

5 (b) "Obligee" or "petitioner", for purposes of the Uniform Interstate
6 Family Support Act under IC 31-18, has the meaning set forth in
7 IC 31-18-1-14.

8 SECTION 2. IC 31-9-2-86 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 86. (a) "Obligor", for
10 purposes of **IC 31-14-12.5**, IC 31-16-15, and IC 31-16-16, and
11 **IC 31-16-22**, means an individual who has been ordered by a court to
12 pay child support.

13 (b) "Obligor" or "respondent", for purposes of the Uniform Interstate
14 Family Support Act under IC 31-18, has the meaning set forth in
15 IC 31-18-1-15.

16 SECTION 3. IC 31-14-12.5 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

HB 1337—LS 7577/DI 98+



JULY 1, 1999]:

Chapter 12.5. Restitution for Lost Earnings

Sec. 1. This chapter applies if:

- (1) an obligor fails to appear for a hearing in court regarding child support;
- (2) the obligee:
 - (A) appears for the hearing; and
 - (B) suffers a loss of earnings by appearing at the hearing; and
- (3) the court determines that the obligor received notice of the hearing as required under the Indiana Rules of Trial Procedure.

Sec. 2. (a) The court may order an obligor to make restitution to the obligee for earnings lost by the obligee while attending a child support hearing.

(b) A restitution order issued under this section must include the following information:

- (1) Regarding the person ordered to pay restitution (obligor):
 - (A) Name.
 - (B) Address.
 - (C) Social Security number.
 - (D) Name and address of employer.
- (2) Regarding the person who is to receive the restitution (obligee):
 - (A) Name.
 - (B) Address.
- (3) The amount of restitution to be paid.

Sec. 3. A restitution order issued under this chapter is a judgment lien that:

- (1) attaches to the property of the obligor;
- (2) may be perfected;
- (3) may be enforced by the obligee or the obligee's agent to satisfy any payment that is delinquent under the restitution order; and
- (4) expires;

in the same manner as a judgment in a civil proceeding.

Sec. 4. The court shall send a certified copy of a restitution order issued under this chapter to the clerk of the circuit court.

Sec. 5. Upon receiving a restitution order issued under this chapter, the clerk of the circuit court shall enter and index the order in the court judgment docket in the manner prescribed by IC 33-17-2-3.



SECTION 4. IC 31-16-22 IS ADDED TO THE INDIANA CODE
AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 1999]:

Chapter 22. Restitution for Lost Earnings

Sec. 1. This chapter applies if:

- (1) an obligor fails to appear for a hearing in court regarding child support;
- (2) the obligee:
 - (A) appears for the hearing; and
 - (B) suffers a loss of earnings by appearing at the hearing; and
- (3) the court determines that the obligor received notice of the hearing as required under the Indiana Rules of Trial Procedure.

Sec. 2. (a) The court may order an obligor to make restitution to the obligee for earnings lost by the obligee while attending a child support hearing.

(b) A restitution order issued under this section must include the following information:

- (1) Regarding the person ordered to pay restitution (obligor):
 - (A) Name.
 - (B) Address.
 - (C) Social Security number.
 - (D) Name and address of employer.
- (2) Regarding the person who is to receive the restitution (obligee):
 - (A) Name.
 - (B) Address.
- (3) The amount of restitution to be paid.

Sec. 3. A restitution order issued under this chapter is a judgment lien that:

- (1) attaches to the property of the obligor;
- (2) may be perfected;
- (3) may be enforced by the obligee or the obligee's agent to satisfy any payment that is delinquent under the restitution order; and
- (4) expires;

in the same manner as a judgment in a civil proceeding.

Sec. 4. The court shall send a certified copy of a restitution order issued under this chapter to the clerk of the circuit court.

Sec. 5. Upon receiving a restitution order issued under this chapter, the clerk of the circuit court shall enter and index the



1 order in the court judgment docket in the manner prescribed by
2 IC 33-17-2-3.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1337, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 13, delete "shall" and insert "**may**".

Page 3, line 15, delete "shall" and insert "**may**".

and when so amended that said bill do pass.

(Reference is to HB 1337 as introduced.)

VILLALPANDO, Chair

Committee Vote: yeas 12, nays 1.

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